

## **REMARKS**

The final Office Action, mailed June 15, 2006, considered and rejected claims 1, 2, 4-15, 17, 18, 20-29, 31, 32, and 36-41.<sup>1</sup>

By this paper, claims 1, 13, 17, 21, and 42 have been amended.<sup>2</sup> Accordingly, claims 1, 2, 4-15, 17, 18, 20-29, 31, 32, and 36-42 remain pending. Claims 1, 13, 17, and 21 are the only independent claims at issue.

The present claims are generally directed to embodiments in which a hardware card (claim 1), a corresponding television tuning device (claim 13) and corresponding methods (claims 17 and 21) are utilized to enable a user to specify, access, and process purchased EPG information, for example, other than EPG information the television tuning device was originally programmed to receive. In particular, embodiments of the invention utilize a hardware card containing data that is made available to the television tuning device and that enables the television tuning device to obtain purchased Electronic Program Guide (EPG) information from an EPG provider. In some embodiments, the data has a specification indicating settings for compatibly accessing purchased EPG information from an EPG provider, including an indication of a communication mechanism for communicating with the EPG provider and distinguishing information distinguishing purchased EPG information from other EPG information maintained at an EPG provider.

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<sup>1</sup> Claims 1-2, 4-5, 8, 10-12 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagawa et al. (US 5,987,612) in view of Nguyen et al. (US 2002/0010932) in further view of Tsuria (US 6,405,369). Claims 6-7, 9, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagawa in view of Nguyen et al. in further view of Tsuria in further view of De Vito et al. (US 6,452,616). Claims 13-15, 17-18, 20, 36-38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. in view of Takagawa et al. in further view of De Vito et al. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. in view of Takagawa et al. in further view of De Vito et al. in further view of Tsuria. Claims 21-22, 34-35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito et al. in further view of Nguyen et al. In further view of Takagawa et al. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito et al. in further view of Nguyen et al. in further view of Forrester (Can Sleepy Set-Top Boxes Ever Be Sexy?, Fall 1999, TBS Archives). Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito in further view of Nguyen et al. in further view of the U.S. Department of Justice (Undercover Customs Operation Results in Charges and Pleas in Connection with Stolen Satellite Television). Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito et al. in further view of Nguyen et al. in further view of Cooper et al (US 6,754,904). Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito et al. in further view of Nguyen et al. in further view of Spies et al. (US 6,055,314). Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria in view of De Vito et al. in further view of Nguyen et al. in further view of Takagawa et al. in further view of Tushie et al. (6,014,748).

<sup>2</sup> Support for the amendments to the claims are found throughout the specification and previously presented claims, including, but not limited to the cancelled claims, and paragraphs 8, 23, 26, 30-34, 36, 40, 45-48, of the specification.

In claim 1, for example, a hardware card is define to include a case having a form factor and a non-volatile memory situated within the case and having loadable data stored thereon that can be loaded onto the television tuning device. Portions of the loadable data comprise a specification specifying settings for accessing a purchased portion of electronic program guide information over a corresponding transmission network along with settings for compatibly processing the purchased portion of electronic program guide information. The loadable data includes an indication of a communication mechanism for communicating with the specified electronic program guide provider via the corresponding transmission network and additional distinguishing information distinguishing the purchased portion of electronic programming guide information from other electronic programming guide information maintained at the specified electronic program guide provider.

The hardware card is further defined to include means for providing the loadable data to the television tuning device, for configuring the television tuning device to connect to the specified electronic program guide provider over the corresponding transmission network, for configuring the television tuning device to decode the purchased portion of electronic program guide information-and for transferring the additional distinguishing information to the specified electronic program guide provider. Accordingly, the specified electronic program guide provider, upon being connected to by the television tuning device via the indicated communication mechanism, uses the additional distinguishing information to identify the purchased portion of electronic program guide information from among other electronic program guide information maintained at the specified electronic program guide provider. Thereafter, the television tuning device is enabled to access the purchased portion of electronic program guide information.

Claim 13 defines a television tuning device and hardware card configured to access purchased EPG information. Claims 17 are 21 are methods for accessing purchased EPG information.

*Takagawa* describes an Internet accessing system using dual card readers and dual cards. (Abstract). One card contains Internet access information (e.g., access point telephone number, card holder ID number, and cardholder password) and another card contains a URL designated a desired start up home page. (Abstract). An Internet accessing apparatus can access, retrieve, and process information within a WWW server based on information read from the two cards.

(Col. 4, l. 11 – Col. 5, l. 5). The WWW server uses the access information from the one card to determine if access to information of the WWW server is permitted. (Fig.5. and Col. 7, ll. 30-36). The WWW server uses the URL from second card to access multimedia information. (Fig. 5 and Col. 7, ll. 36-42).

The Office Action, at page 5, paragraph 1, indicates that *Takagawa* uses identification information obtained from the hardware card to determine a type of programming information that has been encoded onto the hardware card to indicate to the at least one server the type of EPG information on the hardware card. However, applicants have been unable to find any reference to EPG data anywhere in *Takagawa*. Thus, applicants submit that information stored in the (first or second) hardware card could not be EPG information. 9a stores access information and 9b stores URL information. (Col., ll. 51-60). URL information can include a designation of the location of a homepage and data to regulate the allowed connection time (Col. 5, ll. 16-19).

Further as indicated in the office action, *Takagawa* fails to disclose that the URL is used to connect a television-tuning device to a WWW server containing an EPG from a plurality of EPG providers.

*Nguyen* describes systems and methods for integrating Web-based EPG with TV functions. (Abstract). In response to execution of a hot key, a browser is invoked and directed to the URL of a preferred program guide. (Abstract and para. [0006]). A web-based electronic program guide can be used. (paras. [0010], [0012], and [0024]). The set-top box of *Nguyen* can include a smart card reader for communicating with so called "smart cards", often serving as a conditional access module (CAM). (para. [0035]). The CAM can be used for authorization of services and storage of authorized cryptographic keys. (para. [0035]).

Page 6, paragraph 1 of the office action indicates that the URL additionally corresponds to additional identification information indicative of a type of electronic program guide information that can be accessed (see paragraph [0024]). However, the only URL even referenced in [0024] is a URL of STB 22. A URL inherently includes information for locating a resource. However, paragraph [0024] does not describe any further information associated with a URL.

*Devito* describes method and device for loading a user-interface. (Abstract). *Devito* includes a program loader for transferring user interface data from a smart card to system memory to update or customize an existing user interface. (Col. 1, l. 60 – Col. 2, l. 35).

Accordingly, the cited fails either singly or in combination to disclose or otherwise suggest portions of the loadable data comprising a specification specifying settings for accessing a purchased portion of electronic program guide information over a corresponding transmission network along with settings for compatibly processing the purchased portion of electronic program guide information, the loadable data including: an indication of a communication mechanism for communicating with the specified electronic program guide provider via the corresponding transmission network and additional distinguishing information distinguishing the purchased portion of electronic programming guide information from other electronic programming guide information maintained by the specified electronic program guide provider, as recited in claim1. In view of the forgoing, and at least for this reason, applicants submit that amended claim 1 patentably defines over the prior art of record. For at least the same reason, claims 13, 17, and 21 also patentable define over the prior art of record.

In view of the foregoing, Applicants respectfully submit that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicants acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicants reserve the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicants specifically request that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 15<sup>th</sup> day of August, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger". The signature is fluid and cursive, with the first name "Rick" and last name "Nydegger" clearly distinguishable.

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